UNITED STATES PATENT AND TRADEMARK OFFICE

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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BROWN, VERNAL U

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JAN 1 2 2005

GROUP 2000

Application Number: 09/989,244
Filing Date: November 20, 2001
Appellant(s): DE BOLSTER ET AL.

Edward W. Goodman, Reg. 28,613
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/13/04

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences

which will directly affect or be directly affected by or have a bearing on the decision in the

pending appeal is contained in the brief. Therefore, it is presumed that there are none. The

Board, however, may exercise its discretion to require an explicit statement as to the existence of

any related appeals and interferences.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

Appellant's brief includes a statement that claims 1-4 and 7 stand and fall together; claim

5 stands and fall alone; and claim 8 stands and fall alone and provides reasons as set forth in 37

CFR 1.192(c)(7) and (c)(8).

(8)   *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   *Prior Art of Record*

6160491	Kitao et al.	12-2000
6309275	Fong et al.	10-2001
6130625	Harvey	10-2000
6133847	Yang	10-2000

(10)   *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et

al. U.S Patent 6160491 in view of Fong et al. U.S Patent 6309275.

Regarding claims 1-2, Kitao et al. teaches an arrangement including a remote control

device and at least one electronic device (figure 1), the remote control device having a first

memory (106) for storing a set of code data for controlling an electronic device (col. 5 lines 48-50), the remote control device further comprising a signal generator (103) having an input for receiving code data from the first memory (figure 1), the signal generator generating control signal to control signals for controlling at least one electronic device and transmitting the control signals to control an electronic device (col. 5 lines 58-65). Kitao et al. is however silent on teaching a code data output unit having an input for receiving an upload signal which control reading at least a subset of the code from the first memory and transmitting the code burstwise to a data input of a first electronic device. Fong et al. in an art related remote controlled device teaches the use of a household remote control device for controlling an electronic device (col. 8 lines 2-5) and further teaches the remote control transmitting the codes to the electronic device (col. 13 lines 61-64, col. 14 lines 4-6). Fong et al. also teaches the uploading of the code to the electronic device is initiated by pressing a button which therefore serve to provide the upload signal (col. 14 lines 24-32).

It would have been obvious to one of ordinary skill in the art to have a code data output unit having an input for receiving an upload signal which control reading at least a subset of the code from the first memory and transmitting the code burstwise to a data input of a first electronic device in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests the use of a remote control unit to transmit control and command codes and to an electronic device and Fong et al. teaches remote control transmitting the codes to the electronic device and also teaches the uploading of the code to the electronic device is initiated by pressing a button which serves to provide the upload signal in order to store the remote control code in the electronic device.

Regarding claims 3-4, Kitao et al. teaches a verification unit (112) connected to the memory and data input and adapted to compare the received data with the stored data (col. 6 lines 20-24) but is silent on teaching comparing the received subset with the subset stored in the second memory and generating a flag if the received subset is not stored. Fong et al. in an art related remote controlled device teaches comparing the received subset with the subset in memory by determining if the subset is valid (col. 14 lines 25-30) and generating flags (yes/no) indicating whether the data is stored in the memory (figure 6).

It would have been obvious to one of ordinary skill in the art to compare the received subset with the subset stored in the second memory and generating a flag if the received subset is not stored in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests a verification unit (112) connected to the memory and data input and adapted to compare the received data with the stored data and Fong et al. teaches comparing the received subset with the subset in memory by determining if the subset is valid and generating flags (yes/no) indicating whether the data is stored in the memory.

Regarding claim 7, Kitao et al. teaches a remote control device comprising:

a first memory (106) for storing a set of code data for controlling an electronic device (col. 5 lines 48-50);

a signal generator (103) having an input coupled to the first memory for receiving the code data generated by the signal generator which first memory is connected to an input of a signal generator (103) to supply the code data to the input, on the basis of said code data, control signals for controlling the electronic device (col. 5 lines 58-65). Kitao et al. is however silent on teaching a code data output unit having an input for receiving an upload signal which control

reading at least a subset of the code from the first memory and transmitting the code burstwise to

a data input of a first electronic device. Fong et al. in an art related remote controlled device

teaches the use of a household remote control device for controlling an electronic device (col. 8

lines 2-5) and further teaches the remote control transmitting the codes to the electronic device

(col. 13 lines 61-64, col. 14 lines 4-6). Fong et al. also teaches the uploading of the code to the

electronic device is initiated by pressing a button which therefore serve to provide the upload

signal (col. 14 lines 24-32).

It would have been obvious to one of ordinary skill in the art to have a code data output

unit having an input for receiving an upload signal which control reading at least a subset of the

code from the first memory and transmitting the code burstwise to a data input of a first

electronic device in Kitao et al. as evidenced by Fong et al. because Kitao et al. suggests the use

of a remote control unit to transmit control and command codes and to an electronic device and

Fong et al. teaches remote control transmitting the codes to the electronic device and also teaches

the uploading of the code to the electronic device is initiated by pressing a button which serves to

provide the upload signal.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S

Patent 6160491 in view of Fong et al. U.S Patent 6309275 and further in view of Harvey U.S

Patent 6130625.

Regarding claim 5, Kitao et al. in view of Fong et al. teaches identifying the received

remote signal (U.S Patent 6309275, col. 13 lines 66-67) but is silent on teaching the code data

output is adapted to include an identifier which identifies the transmission protocol. Harvey in an

art related remote control invention teaches the code data output is adapted to include an

identifier that identifies the transmission protocol (col. 4 line 66-col. 5 line 3).

It would have been obvious to one of ordinary skill in the art for the code data output to

be adapted to include an identifier that identifies the transmission protocol in Kitao et al. in view

of Fong et al. as evidenced by Harvey because Kitao et al. in view of Fong et al. suggests

identifying the received remote signal and Harvey teaches the code data output is adapted to

include an identifier that identifies the transmission protocol.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitao et al. U.S

Patent 6160491 in view of Fong et al. U.S Patent 6309275 and further in view of Yang U.S

Patent 6133847.

Regarding claim 8, Kitao et al. in view of Fong et al. teaches a remote control

transmitting signal to different devices as discussed in the response to claim 1 but is however

silent on teaching the remote control is user-configurable. Yang in an art related remote control

device teaches a user configurable remote control (col. 9 lines 63-66).

It would have been obvious to one of ordinary skill in the art to have a user-configurable

remote control in Kitao et al. in view of Fong et al. as evidenced by Yang because Kitao et al. in

view of Fong et al. suggests a remote control transmitting signal to different devices and Yang

teaches a user configurable remote control in order to allow the user to configure the remote

control to reflect their desired preferences.

(11)   ***Response to Argument***

The appellant argues (page 5 line 17- page 7 line 20) that the reference of Kitao et al. and

Fong et al. fail to teach or suggests the transmitting of the code data used to form the control

signals from the remote control device to a first electronic device for storage in a memory of the

first electronic device. It is the examiner's position that Fong et al. teaches associating the

remote control with the electronic device by the electronic device (MCU 24) entering a learn

subroutine in which code data which is used to form the control signals to the electronic device is

transmitted from the remote control and is stored in the electronic device (col. 13 line 60-col. 14

line 43). Fong et al. also teaches the infrared signal transmitted by the remote control (col. 14

lines 3-5) is considered the coded signal (col. 14 lines 36-39) that is stored at an address in the

memory location and associated with a particular control action (col. 14 lines 30-33). It is the

examiner position that the signal transmitted by the remote control is considered a code and not a

control signal because on receiving the signal from the remote control a look table is used to

interpret the received signal in order to generate a control signal in order to execute a particular

function (col. 8 lines 50-64).

The appellant argues (page 8 lines 17-210) that the code data output unit enables the

remote control transmitter to read code data from the memory and to transmit the code data

without the code data being converted to formatted control signals by the signal generator, such

argument is narrower than what is claimed.

The appellant argues (page 9 lines 14-17) that the reference of Harvey fail to teach or

suggests an identifier signal transmitted with the code data from a remote control device that

identifies the transmission protocol. It is the examiner position that Harvey teaches an identifier

signal transmitted with the code data from a remote control device that identifies the particular

transmission protocol by the microprocessor analysis of the data bit information (col. 4 line 66-

col. 5 line 3). The appellant's argument stating that there is no description of a single bit

information common to all protocols, is not persuasive. Such limitation is not a claimed

limitation.

The appellant argues (page 11 lines 12-19) that the reference of Harvey fail to teach or

suggests a remote control unit which sends it stored control data without having being formatted

into control signals. It is the examiner position that the reference of Harvey is not relied upon for

teaching a remote control unit which sends it stored control data without having being formatted

into control signals.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Vernal Brown
January 10, 2005

Conferees
Michael Horabik

Brian Zimmerman

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

conferee

BRIAN ZIMMERMAN
PRIMARY EXAMINER